

Message

From: Chemerys, Ruth [Chemerys.Ruth@epa.gov]
Sent: 4/28/2020 1:05:17 PM
To: Hurl, Kathy [Hurl.Kathy@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; McDavit, Michael W. [Mcdavit.Michael@epa.gov]
Subject: Re: FRN with Sandy's comments but

I used this version, and then asked Simma to review. Simma had only a few small edits. I copied Sandy on that. Mindy then made some edits as well. I did not see language on the docket closure and so added that.

I did not hear anything further from Sandy.

Ruth

From: Hurl, Kathy <Hurl.Kathy@epa.gov>
Sent: Tuesday, April 28, 2020 9:01 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Subject: FRN with Sandy's comments but

This is what Sandy sent back saying she was awaiting comments from Janita and Kelly B. I have not heard that they reviewed. Ruth did you hear directly from Sandy on this?

From: Hurl, Kathy
Sent: Thursday, April 23, 2020 10:55 AM
To: Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Subject: FW: Hold please -- DF_Draft FR notice re assumption and ESA DF Review.docx
Importance: High

Ruth,
So, with the exception of the FWS and NMFS edit Dave made I'm good with what Sandy and Dave changed. Just waiting FDEP input.

So you have this: here is the email box 404gESAconsultation@epa.gov

Here is the docket number: **EPA-HQ-OW- 2020-0008**

My folder on the FRN I have to find it – paths are not the same when remote!

From: Evalenko, Sandy <Evalenko.Sandy@epa.gov>
Sent: Wednesday, April 22, 2020 5:50 PM
To: Hurl, Kathy <Hurl.Kathy@epa.gov>
Subject: Hold please -- DF_Draft FR notice re assumption and ESA DF Review.docx
Importance: High

Kathy: Please hold on this. It's just to let you know I reviewed it and made a few comments. I forwarded my comments to Janita and Kelley B. They typically have little edits.

I approved Dave's edits and added mine. I added two sections regarding the EPA docket being closed. When I did this, I think it messed up the format, so I fixed it.

I made mostly formatting edits. I left capital State and Tribe since the OFR does this and have a question for OGC when they review this. When do you include "CWA" in front of a specific Section of the law, like, CWA 404 (h) verses section 404(h).

Before Dave can e-sign this, I need to send it to OP in FR Dailies to have it encoded. This takes 2 days depending on their workload.

Please keep me informed on the timing of signature.

Documents needed for signature to include in the CMS file:

FRN
OGC concurrence
OD transmittal memo (short)
Type setting request form

Let me know if you have questions.

Thanks,
Sandy

From: McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Sent: Wednesday, April 22, 2020 10:15 AM
To: Lousberg, Macara <Lousberg.Macara@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>
Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: FW: DF_Draft FR notice re assumption and ESA DF Review.docx

Hi Macara and Sandy,

This is just a heads up that we are incorporating Dave's edits into this FRN concerning ESA and 404g, and will need to run it by you soon for your review. We also want to make sure that OP is looped in so that there are no surprises; your advice on that is welcome.

Please coordinate with Kathy Hurlid on this action.

Thanks,
Mike

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, April 22, 2020 9:06 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Shimkin, Martha <Shimkin.Martha@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Here you go—thanks!

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, April 22, 2020 8:34 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Shimkin, Martha <Shimkin.Martha@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie

<Wehling.Carrie@epa.gov>

Subject: FW: DF_Draft FR notice re assumption and ESA DF Review.docx

DELIBERATIVE

Folks—we can move forward as Dave notes below. Would you coordinate with OGC and the Region on Dave's several asks? I'll acknowledge we'll do that when I open with Dave at our 1015a.

Thanks!

John

From: Ross, David P <ross.davidp@epa.gov>

Sent: Wednesday, April 22, 2020 8:23 AM

To: Goodin, John <Goodin.John@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>

Cc: Aguirre, Janita <Aguirre.Janita@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Walker, Mary

<walker.mary@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Ex. 5 AC/DP

Regards,

Dave

From: Ross, David P

Sent: Wednesday, April 22, 2020 7:21 AM

To: Goodin, John <Goodin.John@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>

Cc: Aguirre, Janita <Aguirre.Janita@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Walker, Mary

<walker.mary@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

Subject: DF_Draft FR notice re assumption and ESA DF Review.docx

Confidential; Deliberative; Attorney-Client Communication

John and David,

Nice job to the team on this. Please move forward to FR publication. I've attached a few edits, but please have Macara's shop to the FRN scrub as well. I assume the team has confirmed with FDEP that they are good with putting their white paper in the docket, but please confirm.

Also, thanks for the update email on 4/9. Two things in there. When the team receives the draft BA, please talk to me and Mary before we initiate the deep dive review. I have been spending time getting briefed by Interior/FWS on their process

Ex. 5 AC/DP

Of the issues raised in your email, I'd like to discuss

Ex. 5 Deliberative Process (DP)

Thanks.

Dave